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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,393	10/30/2001	Takeshi Sekiguchi	CU-2701 RJS	2550
26530	7590	12/30/2003	EXAMINER	
LADAS & PARRY			KOCH, GEORGE R	
224 SOUTH MICHIGAN AVENUE, SUITE 1200			ART UNIT	
CHICAGO, IL 60604			PAPER NUMBER	
			1734	

DATE MAILED: 12/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/021,393

Applicant(s)

SEKIGUCHI ET AL

Examiner

George R. Koch III

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liang (US Patent 6,245,148 B1) in view of Raphael (US Patent 5,383,574)

Liang discloses a device capable of providing a solution as claimed, and which is capable of leading a solution from any one source of supply to an applying device via a predetermined flow path.

Liang also discloses a middle tank (item 30) for each source of supply (item 11), the middle tank being provided on the way of the flow path connecteing each source of supply and the applying device (see Figure 1). Liang also discloses a sensor which detects whether an amount of a solution stored in each middle tank is not less than a predetermined lower limit value or not and outputs a signal in association with a detection result (items SB1, SB2, and SB3, see also column 3).

Liang, however, is silent as to whether a controller is used or not. Liang merely suggests controlling.

Raphael discloses a similar device for providing a solution which leads a solution from any one of sources of supply (items 14 and 18) to an applying device via a predetermined flow path (see, for example, Figure 1), which includes a controlling

Art Unit: 1734

device (item 120) which discriminates whether the amount of solution stored in each middle tank is not less than the lower limit value or not on the basis of the output signal from the sensor and performs the predetermined processing in association with switching of the sources of supply when it is decided that the amount of the solution stored in the middle tank is less than the lower limit value (see, for example, column 5, line 49 to column 6, line 27). Subelements of the Sensors (items 99 and 101) specifically set the lower limit value. Raphael discloses that the controlling device automates the apparatus and reduces waste of chemicals and solutions (see column 1, line 65 to 69). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized a controlling device which automatically controls the operation in order to reduce waste of solutions.

As to claims 2, Liang discloses that 300 cc to 400 cc will cover approximately 150 wafers (see columns 1 and 2, especially column 1, lines 39-41 which disclose that the bottle has a volume of 500 cc, and lines 56-61, which discloses that after coating 150 wafers, the bottle has a volume of 100 to 200 cc), creating a range of 2 to 2.33 cc per wafer. Liang also discloses that it is known to use a lower limit of approximately 50 cc (50 mL). Therefore, Liang discloses that it is known to configure the applying device such that the lower limit value is not less than the predetermined discharge amount. The apparatus of Liang and Raphael is considered capable of dispensing the claimed ratios if necessary.

As to claim 3, the applying device is considered capable of dispensing a quantity of liquid such that the lower limit value is 100 to 150% of the quantity dispensed in one time.

As to claim 4, the maximum amount of solution which is stored in the middle tank is in both Liang and Raphael is higher than the lower limit value (see Liang, figure 1, and Raphael, sensors 99 and 101) by a predetermined degree of margin (see, for example, Raphael, column 4, lines 7-64).

As to claim 5, the sensor, defined by items SB1, SB2 and SB3, outputs different signals depending on whether a position of a liquid level of the solution which is stored in the middle tank is not less than a predetermined position or not. Furthermore, each sensor element SB1, SB2 and SB3 outputs a different signal depending on whether the liquid level is above or below the sensor.

As to claim 6, Liang discloses that the applying device is configure so as to discharge the solution by a predetermined amount (see especially column 3, lines 46-59), due to an open-close valve (item V1) which opens and closes in increments of a predetermined time due to a timing circuit. Such a structure would dispense solution as in claim 6, and ensures that the correct amount of solution is dispensed in each cycle.

Allowable Subject Matter

3. Claims 7 and 8 are allowed.
4. The following is an examiner's statement of reasons for allowance:

The prior art of record, for example, Raphael (US Patent 5,383,574), does disclose the limitations of claim 7 such as a device for providing a solution which leads a solution from any one of sources of supply (items 14 and 18) to an applying device via a predetermined flow path (see, for example, Figure 1), comprising a middle tank (item 40) which is provided on the way of the flow path connecting each of the sources of supply and the applying device from each of the sources of supply, a sensor (items 98, 99, 100, and 101) which detects whether an amount of a solution stored in each middle tank is not less than a predetermined lower limit value or not and outputs a signal in association with detection result (see, for example, column 4, line 7 to column 8, line 10), and a controlling device (item 120) which discriminates whether the amount of solution stored in each middle tank is not less than the lower limit value or not on the basis of the output signal from the sensor and performs the predetermined processing in association with switching of the sources of supply when it is decided that the amount of the solution stored in the middle tank is less than the lower limit value (see, for example, column 5, line 49 to column 6, line 27). Subelements of the Sensors (items 99 and 101) specifically set the lower limit value. The prior art of record, for example, Liang, further discloses as in claim 7 (dependent on claim 1) using a pump as the applying device, and such a pump is capable of repeating a process to take in the solution by a predetermined amount and a process to discharge the solution which is taken in.

However, the prior art of record does not disclose that in addition to a pump as in claim 7, the further limitations of an ante-pump tank for storing the solution to be

Art Unit: 1734

provided to the pump which is provided between the middle tank and the pump as well as downstream of a position where flow paths from each middle tank are converged, the ante-pump tank is provided with a sensor for a pump which detects whether the amount of the solution which is stored in the ante-pump tank is not less than a predetermined lower limit value or not and outputs a signal in association with detection result, and the controlling device discriminates whether the amount of the solution which is stored in the ante-pump tank is not less than the lower limit value or not and if the controlling device decides that the amount of the solution which is stored in the ante-pump tank is less than the lower limit value, predetermined processing in association with filling of the solution from the middle tank to the ante-pump tank is carried out.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

5. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP


§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

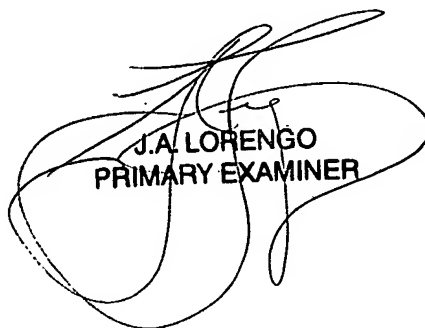
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George R. Koch III whose telephone number is (571) 272-1230 (TDD only). If the applicant cannot make a direct TDD-to-TDD call, the applicant can communicate by calling the Federal Relay Service at 1-800-877-8339 and giving the operator the above TDD number. The examiner can normally be reached on M-Th 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for all communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



George R. Koch III
December 20, 2003



J.A. LORENZO
PRIMARY EXAMINER